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6 Attorneys for Defendant WORLD SAVINGS BANK F.S.B.,  
7 renamed and now known as  
WACHOVIA MORTGAGE F.S.B.  
8

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JOHN C. OTTEN

12 Plaintiff,

13 vs.

14 HOME COMING FINANCIAL  
15 MORTGAGE, NAVY FEDERAL  
16 CREDIT UNION, WORLD  
SAVINGS,

17 Defendants.  
18

Case No. 08 CV0254 JM (JMA)

[Hon. Jeffrey T. Miller]

DEFENDANT WORLD SAVINGS'  
NOTICE OF MOTION AND  
MOTION TO DISMISS FOR  
FAILURE TO AMEND PURSUANT  
TO FRCP 41(b)

Date: June 13, 2008  
Time: 1:30 p.m.  
Ctm: 16

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22 TO PLAINTIFF:

23 PLEASE TAKE NOTICE that on June 13, 2008 at 1:30 p.m. in Courtroom  
24 16 of the above-entitled court located at 940 Front Street, San Diego, California  
25 92101, the Honorable Jeffrey T. Miller presiding, defendant World Savings Bank,  
26 F.S.B. (sued as World Savings) succeeded by and now known as Wachovia  
27 Mortgage F.S.B., ("World Savings") will, and hereby does, move pursuant to FRCP  
28 41(b) for an order dismissing this case with prejudice.

1 Grounds for the motion are that Plaintiff failed to amend his complaint within  
2 20 days of the Court's April 11, 2008 Order granting World Savings' motion to  
3 dismiss.

4 The motion is based on this notice, the accompanying memorandum of points  
5 and authorities, the Court's April 11, 2008 Order and on World Savings' argument  
6 at the hearing.

7 Respectfully submitted,

8 Dated: May 2, 2008

ANGLIN, FLEWELLING, RASMUSSEN,  
CAMPBELL & TRYTTEN LLP

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11 By: /s/ Robert A. Bailey  
Robert A. Bailey  
12 Attorneys for Defendant WORLD  
13 SAVINGS BANK, F.S.B., renamed by and  
14 now known as WACHOVIA MORTGAGE  
15 F.S.B.  
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